THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 21779 of 2005

DATED: 06.12.2005

Between:

K.Varadanamma.

... PETITIONER

AND

A.P.Residential Education Institution Society and another.

... RESPONDENTS

ORDER:

The petitioner is employed as a Post Graduate Teacher in English in the 1st respondent-Society. At present, she is working in a Residential School at Kalvabugga, Kurnool District. She states that there was a clear vacancy in a Residential School at Kurnool and made several requests to the 1st respondent to post her against that vacancy. She pleaded that her husband is employed at Kurnool.

The 2nd respondent is a Teacher in Z.P. High School in Kurnool District. On his representation, the 1st respondent passed an order, dated 06.08.2005, taking him on deputation, for a period of one year, and posting him against the vacancy in the Residential School at Kurnool. The grievance of the petitioner is

that she ought to have been posted at that place and that there was no justification on the part of the 1st respondent in filling that vacancy by the candidate, who is taken on deputation i.e., 2nd respondent.

This Court ordered notice before admission on 07.10.2005. The 2nd respondent filed a counter affidavit narrating the circumstances, under which he was brought on deputation to Kurnool. He states that he has no objection, if he is placed in the vacancy now occupied by the petitioner, if she is otherwise agreeable. The learned Standing Counsel for the 1st respondent submits that the petitioner cannot claim the posting against a particular vacancy as of right. However, he submits that in case the petitioner and the 2nd respondent are agreeable for their mutual transfer, the 1st respondent-Society would consider the same and pass appropriate orders.

The petitioner has been making claim for being transferred to Kurnool, on the ground that her husband is employed at that place. The 1st respondent has the power and discretion to appoint persons against vacancies or bring the candidates on deputation. If there were to have been any serious objections for posting the petitioner in the School at Kurnool or the 2nd respondent had any plausible objection for being transferred to Kalvabugga, things would have been different altogether. Incidentally both of them are agreeable for mutual transfer. The 1st respondent-Society can take the same into account.

For the foregoing reasons, the Writ Petition is disposed of, directing that the 1st respondent-Society shall pass appropriate orders effecting the mutual transfer of the petitioner and the 2nd respondent, within a period of three (3) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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06.12.2005

Note: Issue C.C. in three days.

(B/o)

Jsu